United Nations S/2011/84

Security Council

Distr.: General
22 February 2011

Original: English

Letter dated 18 February 2011 from the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1718 (2006) (see annex), which covers the Committee's activities during the period from 1 January to 31 December 2010. This report is submitted in accordance with the note by the President of the Council of 29 March 1995 (S/1995/234).

(*Signed*) José Filipe Moraes **Cabral**
Chairman
Security Council Committee established
pursuant to resolution 1718 (2006)

11-24116 (E) 030311

Please recycle

Annex

Report of the Security Council Committee established pursuant to resolution 1718 (2006)

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1718 (2006) covers the period from 1 January to 31 December 2010.

2. During the reporting period, the Bureau of the Committee consisted of Ertuğrul Apakan (Turkey) as Chairperson, with the delegations of Lebanon and Nigeria providing the Vice-Chairs. In 2010, the Committee held five sessions of informal consultations. The Chair of the Committee, together with the Coordinator of the Panel of Experts, carried out an open briefing to the wider United Nations membership on 20 December 2010 to inform United Nations Member States about the activities of the Committee and the Panel of Experts, including the adoption of a comprehensive Programme of Work, cooperation with Member States, preparation of documents to assist implementation, and efforts made to improve national reporting requirements, as well as a videoconference held with Professor Siegfried Hecker, concerning his report on the construction of an enrichment facility and a light-water research reactor in Yongbyon. The web page of the Committee is available at http://www.un.org/sc/committees/1718.

II. Background and activities of the Committee

A. Background

3. The Committee established pursuant to resolution 1718 (2006) was mandated to oversee the implementation of the measures imposed by that resolution with respect to the Democratic People's Republic of Korea. On 12 June 2009, the Security Council unanimously adopted resolution 1874 (2009), in which it imposed additional measures, including an expansion of the embargo on arms and related materiel and technology, as well as the financial measures to include a ban on financial transactions, technical training, advice services or assistance related to such arms and materiel. In resolution 1874 (2009), the Council requested the Secretary-General to create for an initial period of one year a group of up to seven experts to assist the Committee in carrying out its tasks. In paragraph 1 of resolution 1928 (2010), the Security Council extended the mandate of the Panel of Experts.

B. Identification of items and designation of entities subject to measures imposed in resolutions 1718 (2006) and 1874 (2009)

4. Pursuant to paragraph 8 of resolution 1718 (2006) and paragraph 24 of resolution 1874 (2009), the Committee designated items listed in document S/2009/205 as subject to the measures imposed in paragraphs 8 (a), (b) and (c) of resolution 1718 (2006), eight entities as subject to the provisions of and the measures imposed in paragraph 8 (d), and five individuals subject to the measures imposed in paragraphs 8 (d) and (e) of the same resolution.

C. Programme of work

5. In accordance with paragraph 25 of resolution 1874 (2009), on 26 November 2010, the Committee adopted its new programme of work for the period from 1 November 2010 to 31 October 2011, covering a range of activities related to compliance, investigations, outreach, dialogue, assistance and cooperation to enable the Committee, with the support of the Panel of Experts, to carry out its mandate effectively.

D. Reports from Member States on the implementation of resolutions 1718 (2006) and 1874 (2009)

6. During the reporting period, 14 Member States reported to the Committee pursuant to paragraph 22 of resolution 1874 (2009) on the steps they had taken to implement effectively the provisions of paragraph 8 of resolution 1718 (2006), as well as paragraphs 9 and 10 of resolution 1874 (2009), and on the financial measures set out in paragraphs 18, 19 and 20 of resolution 1874 (2009). In accordance with its Programme of Work, the Committee agreed to conduct and complete, with the assistance of the Panel of Experts, established pursuant to paragraph 26 of resolution 1874 (2009), as appropriate, a comprehensive review of the reports received from Member States pursuant to paragraph 11 of resolution 1718 (2006), and paragraph 22 of resolution 1874 (2009), on concrete measures they had taken in order to implement effectively the provisions of paragraph 8 of resolution 1718 (2006), paragraphs 9 and 10 of resolution 1874 (2009), as well as financial measures set out in paragraphs 18, 19 and 20 of resolution 1874 (2009).

7. On 8 March 2010, the Panel of Experts submitted to the Committee a quarterly report on the implementation by Member States of resolutions 1718 (2006) and 1874 (2009), covering the period 30 November 2009 to 28 February 2010. In response to the Committee's request, the report included recommendations on how the level of implementation of the resolutions might be enhanced. On 3 June 2010, the Panel of Experts submitted to the Committee a quarterly report on the implementation by Member States of resolutions 1718 (2006) and 1874 (2009), covering the period from 1 March to 31 May 2010.

8. On 18 February 2010, the Committee sent a note verbale to all Member States, drawing their attention to the reporting obligations set out in paragraph 22 of Security Council resolution 1874 (2009) and informing them of reports received from several States about difficulties faced by their diplomatic missions in the Democratic People's Republic of Korea. In that regard, the Committee reminded all Member States that legitimate transactions involving foreign diplomatic missions located in the Democratic People's Republic of Korea were specifically exempt from the provisions of paragraphs 8 (a) (iii) and 8 (d) of resolution 1718 (2006).

9. On 10 August 2010, the Committee approved an Implementation Assistance Notice to provide helpful information to Member States about the roles of the Committee and the Panel of Experts in investigating sanctions violations. The Committee posted the Implementation Assistance Notice on its website, www.un.org/sc/committees/1718, and circulated it to Member States as a note verbale dated 3 September 2010.

10. At the initiative of the Russian Federation, the Committee also engaged in a discussion on the unintended effects of sanctions on the Democratic People's Republic of Korea upon the work of diplomatic missions in that country. Committee members took note of these concerns and pledged to study the issue further.

E. Panel of Experts

11. In accordance with paragraph 26 of resolution 1874 (2009), the Security Council requested the Secretary-General, in consultation with the Committee, to appoint a Panel of up to seven experts for an initial period of one year. On 7 June 2010, the Security Council extended the mandate of the Panel of Experts until 12 June 2011. On 8 July 2010, in accordance with paragraph 1 of resolution 1928 (2010), the Secretary-General reappointed the Panel of Experts established pursuant to paragraph 26 of resolution 1874 (2009). Owing to pending professional and personal commitments, three of the experts, Victor D. Comras (United States of America, expert on finance), Masahiko Asada (Japan, expert on nuclear issues) and David J. Birch (United Kingdom, proliferation of weapons of mass destruction) withdrew from the Panel effective 1 October, 12 October and 20 December 2010, respectively. On 14 October, the Secretary-General appointed George A. Lopez (United States of America, expert on finance) and Takehiko Yamamoto (Japan, expert on nuclear issues) to serve on the Panel of Experts established pursuant to resolution 1874 (2009) and carry out tasks as specified in paragraph 26 of that resolution.

12. On 12 May 2010, pursuant to paragraph 26 of resolution 1874 (2009), the Panel of Experts submitted to the Security Council its final report (S/2010/571) containing conclusions and 23 recommendations. On 10 November 2010, the Panel of Experts submitted to the Security Council its midterm report pursuant to paragraph 2 of Security Council resolution 1928 (2010), outlining issues related to the implementation of resolutions 1718 (2006) and 1874 (2009), recalling its May 2010 recommendations and detailing areas to which special attention should be devoted. On 6 December 2010, the Committee discussed the midterm report and relevant issues.

13. On 21 May 2010, the Panel of Experts submitted to the Committee, for its consideration, three discussion papers relating to paragraph 8 (a) (iii) (luxury goods) of resolution 1718 (2006), paragraph 10 (small arms and light weapons) of resolution 1874 (2009), and paragraph 21 (activities of diplomatic missions) of resolution 1874 (2009). At the informal meeting held on 1 July 2010, the Panel of Experts briefed the Committee on the aforementioned papers. The Committee is currently considering implementation assistance notices on guidance on luxury goods and on the preparation and submission of national implementation reports.

14. On 1 February, the Committee addressed a letter to the Panel of Experts informing them of the modalities for their travels. During the reporting period, at the invitation of the countries concerned, the Panel of Experts conducted visits to Australia (1-2 March 2010); Austria (9-10 March 2010 and 15 September 2010); Belgium (21-23 February 2010, 21 September 2010 and 29-30 November 2010); China (5-9 September 2010); Israel (12-13 August 2010); Japan (26-28 January and 25-27 August 2010); Malaysia (25-26 February 2010); the Republic of Korea (15-16 August 2010); the Russian Federation (17-19 February); Singapore

(23-24 February 2010 and 20-24 August 2010); Thailand (18-20 August); Ukraine (8-10 June 2010); the United Arab Emirates (10-12 October 2010); Washington, D.C., United States (23 November and 13-15 December 2010) to hear briefings and have discussions on the measures taken by these countries to implement resolutions 1718 (2006) and 1874 (2009), and other related issues. The Panel of Experts submitted to the Committee reports on these visits.

F. Communications from and to Member States related to alleged violations of the measures imposed in resolutions 1718 (2006) and 1874 (2009)

15. During the reporting period, the Committee received three new reports of alleged violations of resolutions 1718 (2006) and 1874 (2009) as well as information on previously reported cases of alleged violations.

16. At the invitation of a Member State, the Committee requested the Panel of Experts to conduct an onsite visit in connection with a case of alleged sanctions violation reported to the Committee in 2009 (see S/2010/28, para. 17). The visit was conducted from 10 to 12 October 2010. Following the completion of the investigation, the Committee addressed a letter to the reporting State dated 10 December 2010, conveying no objection to the disposal of seized prohibited items.

17. In relation to an alleged violation (ibid., para. 18) reported to the Committee by a Member State in a letter dated 12 October 2009, the Panel of Experts submitted to the Committee additional information obtained during its on-site visit. The Committee received two unsolicited letters dated 7 January and 6 July 2010 from a Member State denying any involvement with the case. In communications dated 29 January and 28 December 2010, a member of the Committee stated that its authorities did not consider the reported incident as a violation of the sanctions imposed by resolutions 1718 (2006) and 1874 (2009). In the meantime, in a letter dated 1 December, the reporting State informed the Committee that in the absence of the Committee's guidance on the disposal of the aforementioned cargo by the end of 2010, its authorities would dispose of the seized cargo.

18. In connection with the case referred to the Committee by a Member State in a letter dated 28 December 2009, the Committee addressed several relevant Member States requesting additional information (ibid., para. 19). The Committee received letters from five Member States: a letter dated 5 April 2010, a letter dated 16 April 2010, a letter dated 19 April 2010, a letter dated 22 June 2010 and a letter dated 8 July 2010. At the request of the reporting State, the Panel of Experts conducted an on-site visit from 18 to 19 August 2010 and provided a report to the Committee thereon on 1 September 2010. Following the completion of the investigation, the Committee addressed a letter to the reporting State dated 31 December 2010, which conveyed no objection to the disposal of seized prohibited items.

19. A communication by a Member State dated 28 December 2010 provided additional information about a violation reported earlier in a letter from that Member State dated 23 December 2010.

20. The first new case of alleged violation of resolutions 1718 (2006) and 1874 (2009) during the reporting period was brought to the Committee's attention by a

Member State in a note verbale dated 18 February 2010. Following consultations among the Committee members, letters requesting additional information were sent to six relevant Member States. In reply to these communications, the Committee received one letter dated 21 April 2010; two letters dated 25 and 26 March 2010; and a note verbale dated 13 May 2010.

21. The Committee received a report of the second case of alleged violation in a note verbale dated 21 April 2010 from a Member State, to which the Committee replied in a note verbale dated 3 June 2010.

22. The third case of attempted violation was reported to the Committee by a Member State in a letter dated 22 June 2010. The reporting State informed the Committee that relevant entities under its jurisdiction had acted responsibly in accordance with the reporting State's obligations under the relevant provisions of resolutions 1718 (2006) and 1874 (2009), and had cooperated fully with the Committee and the Panel of Experts in preventing the attempted violation and the subsequent investigation of the case.

G. Other communications from and to Member States

23. In a letter dated 23 July 2010 from a Member State, the Committee was requested to clarify whether certain equipment could be considered as subject to the measures imposed by the Security Council in paragraph 8 of its resolution 1718 (2006) and paragraph 9 of its resolution 1874 (2009). Upon receiving additional technical specifications from the Member State and having consulted the Panel of Experts, the Committee responded to the requesting State by notes verbale dated 20 August and 16 September 2010.

24. The Committee received two letters from a Member State dated 23 and 27 December 2010, requesting the opinion of the Panel of Experts concerning a request received by one of its financial institutions. The Committee is considering the matter in consultations with the Panel of Experts.

Enclosure

Reports received pursuant to paragraph 11 of Security Council resolution 1718 (2006)

Member State or organization	*Document symbol*	*Date of communication*
Australia	S/AC.49/2006/1	10 November 2006
Canada	S/AC.49/2006/2	13 November 2006
United Kingdom of Great Britain and Northern Ireland	S/AC.49/2006/3	13 November 2006
Denmark	S/AC.49/2006/4	30 November 2006
Liechtenstein	S/AC.49/2006/5	13 November 2006
Czech Republic	S/AC.49/2006/6	13 November 2006
Finland (on behalf of the European Union)	S/AC.49/2006/7	13 November 2006
Republic of Korea	S/AC.49/2006/8 S/AC.49/2006/8/Add.1	13 November 2006 15 January 2007
Singapore	S/AC.49/2006/9	13 November 2006
Japan	S/AC.49/2006/10	13 November 2006
United States of America	S/AC.49/2006/11	13 November 2006
France	S/AC.49/2006/12	13 November 2006
Russian Federation	S/AC.49/2006/13 S/AC.49/2006/13/Add.1	13 November 2006 1 June 2007
Slovakia	S/AC.49/2006/14	14 November 2006
Hungary	S/AC.49/2006/15	14 November 2006
New Zealand	S/AC.49/2006/16	15 November 2006
Finland	S/AC.49/2006/17	13 November 2006
Slovenia	S/AC.49/2006/18	14 November 2006
Marshall Islands	S/AC.49/2006/19	16 November 2006
Belarus	S/AC.49/2006/20	16 November 2006
China	S/AC.49/2006/21	15 November 2006
Sweden	S/AC.49/2006/22	16 November 2006
Cuba	S/AC.49/2006/23	13 November 2006
Romania	S/AC.49/2006/24	14 November 2006

Member State or organization	*Document symbol*	*Date of communication*
Cyprus	S/AC.49/2006/25	16 November 2006
Poland	S/AC.49/2006/26	16 November 2006
Belgium	S/AC.49/2006/27	17 November 2006
Sri Lanka	S/AC.49/2006/28	20 November 2006
Thailand	S/AC.49/2006/29	20 November 2006
Argentina	S/AC.49/2006/30 S/AC.49/2006/30/Add.1	22 November 2006 5 February 2007
Bulgaria	S/AC.49/2006/31 S/AC.49/2006/31/Add.1	28 November 2006 7 February 2007
Italy	S/AC.49/2006/32	28 November 2006
Germany	S/AC.49/2006/33	30 November 2006
Switzerland	S/AC.49/2006/34	30 November 2006
Brazil	S/AC.49/2006/35	10 November 2006
Spain	S/AC.49/2006/36	29 November 2006
Portugal	S/AC.49/2006/37	30 November 2006
Albania	S/AC.49/2006/38	1 December 2006
The former Yugoslav Republic of Macedonia	S/AC.49/2006/39	6 December 2006
South Africa	S/AC.49/2006/40	7 December 2006
Panama	S/AC.49/2006/41	14 December 2006
Malta	S/AC.49/2006/42	12 December 2006
Latvia	S/AC.49/2006/43	19 December 2006
Peru	S/AC.49/2006/44	21 December 2006
Mexico	S/AC.49/2006/45	22 December 2006
Estonia	S/AC.49/2006/46	22 December 2006
Austria	S/AC.49/2007/1	28 December 2006
Serbia	S/AC.49/2007/2	9 January 2007
Indonesia	S/AC.49/2007/3	10 January 2007
Qatar	S/AC.49/2007/4 S/AC.49/2007/4/Add.1	10 January 2007 14 May 2007

Member State or organization	*Document symbol*	*Date of communication*
Lithuania	S/AC.49/2007/5	15 January 2007
Greece	S/AC.49/2007/6	11 December 2006
Netherlands	S/AC.49/2007/7	14 December 2006
Philippines	S/AC.49/2007/8 S/AC.49/2007/8/Add.1	22 January 2007 14 February 2007
Viet Nam	S/AC.49/2007/9	19 January 2007
Kyrgyzstan	S/AC.49/2007/10	19 January 2007
United Arab Emirates	S/AC.49/2007/11	23 January 2007
Ukraine	S/AC.49/2007/12 S/AC.49/2007/12/Add.1	19 January 2007 23 May 2007
Guatemala	S/AC.49/2007/13	6 February 2007
Turkey	S/AC.49/2007/14	9 February 2007
Pakistan	S/AC.49/2007/15	11 January 2007
Kuwait	S/AC.49/2007/16	17 January 2007
Croatia	S/AC.49/2007/17	20 February 2007
Jordan	S/AC.49/2007/18	20 February 2007
Bahrain	S/AC.49/2007/19	28 February 2007
Kazakhstan	S/AC.49/2007/20	26 February 2007
Mongolia	S/AC.49/2007/21	5 March 2007
Maldives	S/AC.49/2007/22	8 March 2007
India	S/AC.49/2007/23	20 February 2007
Israel	S/AC.49/2007/24	19 April 2007
Algeria	S/AC.49/2007/25	15 May 2007
Saudi Arabia	S/AC.49/2007/26	26 June 2007
Luxembourg	S/AC.49/2008/1	11 February 2008
Brunei Darussalam	S/AC.49/2008/2	26 March 2008
Germany	S/AC.49/2009/1	29 May 2009
Republic of Korea	S/AC.49/2009/2	9 June 2009
United Kingdom of Great Britain and Northern Ireland	S/AC.49/2009/3	17 June 2009

Member State or organization	*Document symbol*	*Date of communication*
France	S/AC.49/2010/2	8 February 2010
Jordan	S/AC.49/2010/5	9 March 2010
Burkina Faso	S/AC.49/2010/6	4 April 2010
Brazil	S/AC.49/2010/7	26 May 2010
Georgia	S/AC.49/2010/10	30 June 2010
Uganda	S/AC.49/2010/12	13 August 2010
Spain	S/AC.49/2010/13	3 November 2010

Reports received pursuant to paragraph 22 of Security Council resolution 1874 (2009)

Member State or organization	*Document symbol*	*Date of communication*
Switzerland	S/AC.49/2009/4	14 July 2009
Liechtenstein	S/AC.49/2009/5	24 July 2009
Russian Federation	S/AC.49/2009/6	24 July 2009
Japan	S/AC.49/2009/7	27 July 2009
Pakistan	S/AC.49/2009/8 S/AC.49/2009/8/Add.1 S/AC.49/2009/8/Add.2	27 July 2009 31 July 2009 5 August 2009
Estonia	S/AC.49/2009/9	27 July 2009
United Kingdom of Great Britain and Northern Ireland	S/AC.49/2009/10	27 July 2009
Italy	S/AC.49/2009/11	27 July 2009
New Zealand	S/AC.49/2009/12	24 July 2009
Republic of Korea	S/AC.49/2009/13 S/AC.49/2009/13/Add.1	27 July 2009 2 September 2009
Belgium	S/AC.49/2009/14	27 July 2009
France	S/AC.49/2009/15	27 July 2009
Austria	S/AC.49/2009/16	27 July 2009
Australia	S/AC.49/2009/17	28 July 2009
Lithuania	S/AC.49/2009/18	27 July 2009
Slovakia	S/AC.49/2009/19	27 July 2009
Finland	S/AC.49/2009/20	30 July 2009
United States of America	S/AC.49/2009/21	30 July 2009
Netherlands	S/AC.49/2009/22	29 July 2009
China	S/AC.49/2009/23	3 August 2009
Singapore	S/AC.49/2009/24	3 August 2009
Canada	S/AC.49/2009/25	31 July 2009
Andorra	S/AC.49/2009/26	6 August 2009
Turkey	S/AC.49/2009/27	7 August 2009
Poland	S/AC.49/2009/28	11 August 2009

Member State or organization	*Document symbol*	*Date of communication*
Mexico	S/AC.49/2009/29	11 August 2009
Sweden	S/AC.49/2009/30	12 August 2009
Viet Nam	S/AC.49/2009/31	9 August 2009
Monaco	S/AC.49/2009/32	17 August 2009
Cuba	S/AC.49/2009/33	10 August 2009
Hungary	S/AC.49/2009/34	19 August 2009
Romania	S/AC.49/2009/35	24 August 2009
Denmark	S/AC.49/2009/36	26 August 2009
Germany	S/AC.49/2009/37	31 July 2009
Philippines	S/AC.49/2009/38 S/AC.49/2009/38/Add.1	25 August 2009 28 August 2009
Thailand	S/AC.49/2009/39	27 August 2009
Brazil	S/AC.49/2009/40	28 August 2009
Dominican Republic	S/AC.49/2009/41	11 August 2009
Peru	S/AC.49/2009/42 S/AC.49/2009/42/Add.1	22 September 2009 10 November 2009
Portugal	S/AC.49/2009/43	5 October 2009
The former Yugoslav Republic of Macedonia	S/AC.49/2009/44	22 October 2009
Cyprus	S/AC.49/2009/45	22 October 2009
Ireland	S/AC.49/2009/46	13 November 2009
Serbia	S/AC.49/2009/47	16 November 2009
Lebanon	S/AC.49/2009/48	30 November 2009
Spain	S/AC.49/2009/49	3 December 2009
Lao People's Democratic Republic	S/AC.49/2009/50	25 November 2009
Iceland	S/AC.49/2010/1	21 January 2010
France	S/AC.49/2010/2	8 February 2010
Republic of Belarus	S/AC.49/2010/3	5 April 2010
Russian Federation	S/AC.49/2010/4	9 April 2010

Member State or organization	*Document symbol*	*Date of communication*
Jordan	S/AC.49/2010/5	9 March 2010
Burkina Faso	S/AC/49/2010/6	4 May 2010
Brazil	S/AC/49/2010/7	26 May 2010
India	S/AC/49/2010/8	23 June 2010
Greece	S/AC/49/2010/9	30 June 2010
Georgia	S/AC/49/2010/10	30 June 2010
Israel	S/AC/49/2010/11	13 July 2010
Republic of Uganda	S/AC/49/2010/12	13 August 2010
Spain	S/AC/49/2010/13	3 November 2010
South Africa	S/AC/49/2010/14	3 December 2010